

In the Matter of Merchant Mariner's Document No. Z-161367 and all
other Licenses, Certificates and Documents
Issued to: HILTON CHARLES WILLIAMS

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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HILTON CHARLES WILLIAMS

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

By order dated 5 August 1955, an Examiner of the United States Coast Guard at New York, New York, suspended Merchant Mariner's Document No. Z-161367 issued to Hilton Charles Williams upon finding him guilty of misconduct based upon two specifications alleging in substance that while serving as a messman on board the American SS AMERICAN PLANTER under authority of the document above described, on or about 1 August 1955, while said vessel was in the Port of New York, he wrongfully created a disturbance (First Specification); wrongfully directed vile and abusive language towards a Deputy U. S. Shipping Commissioner (Second Specification).

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by counselor of his own choice, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and each specification proffered against him. The Examiner changed the plea to the Second Specification to "not guilty" after Appellant indicated that he did not think he was guilty of having used "vile" language.

Thereupon, the Investigating Officer made his opening statement and Appellant made an unsworn statement. Appellant stated that he was not a drinking man but that because of some family trouble he had been drinking whisky and it went to his head. The Investigating Officer introduced in evidence the testimony of the Deputy U. S. Shipping Commissioner involved in this incident.

At the conclusion of the hearing, having given both parties an opportunity to submit argument and proposed findings and conclusions, the Examiner announced his decision and concluded that the charge and two specifications had been proved. He then entered

the order suspending Appellant's Merchant Mariner's Document No. Z-161367, and all other licenses, certificates and documents issued to Appellant by the United States Coast Guard or its predecessor authority, for a period of ten months - four months outright suspension and six months suspension on probation until twelve months after the termination of the outright suspension.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On a foreign voyage including the date of 1 August 1955, Appellant was serving as a messman on board the American SS AMERICAN PLANTER and acting under authority of his Merchant Mariner's Document No. Z-161367.

On 1 August 1955 in the Port of New York, the Deputy U. S. Shipping Commissioner was performing his duties relative to signing the members of the crew off the Shipping Articles. Appellant entered the Officer's Saloon in an intoxicated condition, broke into the line of crew members waiting to be paid and demanded in a loud voice that he be paid first. , When questioned by the Deputy Shipping Commissioner, Appellant replied with vile and abusive language. The Chief Officer removed Appellant from the saloon. On the following day, Appellant apologized to the Deputy Shipping Commissioner.

Appellant has no prior disciplinary record during his twelve years at sea.

BASIS OF APPEAL

This appeal has been taken from the order imposed by the Examiner. Appellant requests clemency on the grounds that this is his first offense and he needs employment.

OPINION

In view of Appellant's prior unblemished record, and because the Second Specification is, in part, included in the First Specification, the order will be modified to a probationary suspension. While not condoning this misconduct, it is noted that Appellant readily admitted that he was at fault, and he made every effort to apologize as soon as possible for his misbehavior.

ORDER

The order of the Examiner dated at New York, New York, on 5

August 1955 is modified to provide for a six (6) months suspension which shall not become effective provided no charge under R.S. 4450, as amended (46 U.S.C. 239), is proved against Appellant for acts committed within twelve (12) months of 5 August 1955.

As so modified, said order is

AFFIRMED

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D.C., this 10th day of February, 1956.